

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

KELLEY COELHO,

Plaintiff,

v.

UNITED STATES ARMY RESERVES, et
al.,

Defendants.

No. 2:24-cv-2431 TLN AC

SECOND ORDER TO SHOW CAUSE

Plaintiff, appearing in pro se, filed a complaint and paid the filing fee on September 6, 2024. ECF No. 1. The same day, a summons and scheduling order was issued directing the plaintiff to serve a copy of the scheduling order and complete service of process within 90 days of filing the complaint. ECF Nos. 2, 3. Plaintiff was cautioned that failure to complete service within 90 days may result in dismissal pursuant to Fed. R. Civ. P. 40(m). Id. On October 3, 2024, plaintiff filed a document containing several proofs of service, indicating she served several of the defendants with the “summons and ADA letter” by mail. ECF No. 4. Plaintiff is suing the U.S. Army and several individuals who appear to be officers in the Army, though this is not entirely clear from the complaint. ECF No. 1 at 1-6. On December 3, 2024, the undersigned issued an Order to Show Cause notifying plaintiff that the proofs of service she filed indicate that service on defendants was not effective. On December 10, 2024, plaintiff filed two additional proofs of service (ECF Nos. 8, 9) and on December 16, 2024, she filed a written response to the Order to Show Cause. ECF No. 10.

1 In plaintiff's response, she indicates that she wishes to pursue this case and re-attempted
 2 service. ECF No. 10 at 2. She attached postal receipts showing mail was sent to (1) Secretary of
 3 the Army at 101 Army Pentagon, Washington, DC; (2) Assistant Attorney General for Admin at
 4 950 Pennsylvania Ave. NW, Washington, DC; and (3) Attorney Generals Office Rob Bonta, P.O.
 5 944255, Sacramento, CA 94244. ECF No. 9 at 3.

6 Federal Rule of Civil Procedure 4(i) outlines the rule for serving the United States, as well
 7 as its agencies and employees. The Rule requires a plaintiff to take three steps:

8 **(A)(i) deliver a copy of the summons and of the complaint to the**
 9 **United States attorney for the district where the action is**
 10 **brought—or to an assistant United States attorney or clerical**
 11 **employee whom the United States attorney designates in a writing**
 12 **filed with the court clerk—or (ii) send a copy of each by registered**
 13 **or certified mail to the civil-process clerk at the United States**
 14 **attorney's office;**

15 (B) send a copy of each by registered or certified mail to the Attorney
 16 General of the United States at Washington, D.C.; and

17 (C) if the action challenges an order of a nonparty agency or officer
 18 of the United States, send a copy of each by registered or certified
 19 mail to the agency or officer.

20 Fed. R. Civ. P. 4(i). The Attorney General has designated the Assistant Attorney General for
 21 Administration, Justice Management Division, to accept service of summonses and complaints.
 22 28 C.F.R. § 0.77(j). The U.S. Department of Justice is located at 950 Pennsylvania Avenue, NW,
 23 Washington, DC 20530-0001. It appears plaintiff has mailed service to the Attorney General in
 24 Washington DC, but she incorrectly served the California State Attorney General instead of the
 25 U.S. Attorney for the Eastern District of California. The U.S. Attorney's Office for the Eastern
 26 District of California is located at 501 I Street, Suite 10-100, Sacramento, CA, 95814. The PO
 27 Box on plaintiff's proof of service is not the correct address.¹

28 Plaintiff's obligation to complete service of process remains incomplete. Thus, plaintiff is
 ORDERED to properly complete service. Plaintiff must file a notice with the court affirming that
 service has been properly completed. Local Rule 110 provides that failure to comply with court

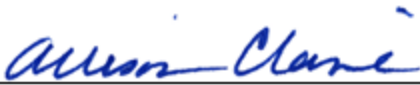
¹ The State of California Department of Justice is not the same thing as the United States
 Attorney's Office. These are two separate entities.

orders or the Local Rules may be grounds for imposition of any and all sanctions authorized by statute or Rule or within the inherent power of the Court.

Accordingly, IT IS HEREBY ORDERED that:

1. Plaintiff is Ordered to Show Cause, in writing no later than February 13, 2025, why this action should not be dismissed for failure to prosecute;
2. Plaintiff's filing of proper proofs of service will be deemed good cause shown; and
3. If plaintiff fails to comply with this order, the case will be dismissed without prejudice for failure to prosecute.

DATED: January 31, 2025


ALLISON CLAIRE
UNITED STATES MAGISTRATE JUDGE